



Patent
Attorney Docket No. 54704.8015.US00

1632 #14
Box 200
10/18/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 on:

Date: November 15, 2002

By: Mirahli Ghane

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: RON, Yacov *et al.*

APPLICATION No.: 09/830,176

FILED: April 23, 2001

FOR: A MYELOID PRECURSOR CELL USEFUL FOR GENE
THERAPY AND FOR MODULATION OF IMMUNE
RESPONSES

EXAMINER: WOITACH, JOSEPH

ART UNIT: 1632



11-18-2002

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #70

TRANSMITTAL OF SEQUENCE LISTING

Box Sequence
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DEC 06 2002

TECH CENTER 1600/2900

Dear Sir:

On October 17, 2002, a communication was mailed by the USPTO attaching a **Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures**. Applicants are required to identify the sequences in the specification in compliance with sequence rules 37 C.F.R. §§ 1.821-1.825.

In response to this Office Action, enclosed herewith are the following:

- A copy of the Office Action dated October 17, 2002
- A diskette containing the nucleotide and/or amino acid sequence listing in computer readable form;
- A paper copy of the nucleotide and/or amino acid sequence listing;
- A Statement of Sequence Listing that the information recorded in the computer readable form is identical to the written sequence listing; and

- A Preliminary Amendment to insert the sequence listing numbers into the specification and claims which correspond to those in the Sequence Listing.

This response is believed to be timely, being submitted within one month from the date of mailing of the Invitation. However, if the applicants are mistaken, the Officer is authorized to charge required fees to Deposit Account No. 50-0665.

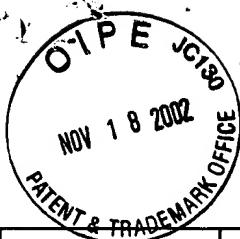
Respectfully submitted,
Perkins Coie LLP

Dated: November 15, 2002

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Applicant's Copy
UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/830,176 | 05/21/01 | Yacov et al. | 13257-00040 |

| EXAMINER | |
|----------------|--------------|
| Joseph Woitach | |
| ART UNIT | PAPER NUMBER |
| 1632 | 12 |

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Specifically, the CRF filed July 30, 2001, paper number 4, was entered, however polynucleotide sequences are present in the specification but they are not identified with SEQ ID NOs (see page 19, line 14 for example). For proper sequence compliance each sequence present in the disclosure must be identified by a SEQ ID NO and be present in the sequence listing. Appropriate correction is required.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. **In no case may an applicant extend the period for response beyond the six month statutory period.** Applicant is requested to return a copy of the attached Notice to Comply with the response. Note that a reply to a notice to comply with the sequence rules should **not** be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Woitach whose telephone number is (703)305-3732.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached at (703)305-4051.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist Pauline Farrier whose telephone number is (703)305-3550.

Joseph T. Woitach

Deborah Crouch

DEBORAH CROUCH
PRIMARY EXAMINER
GROUP 1630
1630

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Application #: 09/830,176

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

- 7. Other: _____

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Applicant Must Provide:

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- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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